IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 6572 of 2005

Between:

M/s. Mamta Educational Society, 4-2-6/9, Opp; Rotary Nagar , Wyra Road,
rep. by its President, Sri P. Ajay kumar, S/o. P.Nageswara Rao, Khammam District.

..... PETITIONER

AND

1 The Asst. P. F. Commissioner, Sub-Regional Office,
Balasamudram, Warangal, Andhra Pradesh.
2 The Secretary, Union Of India, Ministry Of Labour,
rep.by its Secretary, New Delhi.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to or to call for the connected records from the respondents and issue appropriate order or direction, preferably one in the nature of writ of Certiorari declaring that the enactment of section 70 of the E.P.F. and M.P . Act, 1952 w.e.f. 1.7.97 as ultra vires unconstitutional, void, abinitio and non-est and quash the impugned order dated 29-10-2004, passed U/s 7Q of the Act by the 1st respondent calculating an amount of Rs. 1,79,636/- towards simple interest @ 12% pa. For the period from 4/ 2000 to 7/2001 in the impugned Proc.No. AP/WGL/ Circle.8/ Damages /Ap/ 31347/CA/990, dated 29-10-2004.

Counsel for the Petitioner:MR.N.VENKATRAMA REDDY

Counsel for the Respondent No.1: MR.R.N.REDDY (SC FOR EMPLOY'S PF ORG.)

Counsel for the Respondent No.2: SC FOR CENTRAL GOVERNMENT

The Court, at the stage of admission, made the following :

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ORDER: *per the Hon'ble Sri Justice B.Sudershan Reddy)*

The subject matter that arises for consideration is concededly covered by the order passed by us in W.P.No.7422 of 2004, dated 18-04-2004. In such view of the matter, the writ petition itself is taken up for disposal at the admission stage at the request of the learned counsel for the petitioner as well as the learned Standing Counsel appearing on behalf of the respondents.

Issue Rule Nisi.

Following the said order, this writ petition is disposed of granting leave and liberty to the petitioner to prefer an appeal within a period of six weeks from today along with deposit of 50% of the disputed amount and the appellate authority shall entertain the appeal and dispose of the same in accordance with law. There shall be a further direction that the appellate authority while considering the appeal to be filed against the order passed under Section 7-A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (for short "the Act") will also examine the question of legality and validity of the interest imposed under Section 7-Q of the Act.

The writ petition shall accordingly stand disposed of. No order as to costs.

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(B.SURDERSHAN REDDY, J.)

Dated:29-03-2004

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(C.V.RAMULU, J.)

Note: Furnish C.C. in three days.

(B/o) gj/ts

To

1 The Asst. P. F. Commissioner, Sub-Regional Office,
Balasamudram, Warangal, Andhra Pradesh.
2 The Secretary, Union Of India, Ministry Of Labour,
New Delhi.

3 Two C.D. copies.